Remarks

Claims 1-13 and 16-17 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1 and 16-17 have been amended to be directed to statutory subject matter and reconsideration and withdrawal of the rejection are respectfully requested. In claim 1, the step of preventing an overload has been added; this is clearly a tangible result. In claims 16-17, the computer-readable medium comprises the computer program. If this rejection is repeated, it is requested that the rejection address the actual words of the claims. The Official Action does not indicate why the previous amendment was inadequate and, indeed, it appears that the previous amendment was not considered when making the rejection as there is no mention of the change made in the previous amendment or why that change was insufficient.

Claims 18-30 were rejected as anticipated by DAVIES et al. 6,839,767. Claims 18-30 have been canceled and withdrawal of the rejection is respectfully requested.

Claims 1-17 were rejected as unpatentable over DAVIES et al. in view of KRISHNAN et al. 6,366,559. Claim 1 has been amended and reconsideration and withdrawal of the rejection are respectfully requested. Support for the amendment is found on page 17 of the specification as filed.

Amended claim 1 includes repeatedly measuring, during usage, multiplexing properties of the aggregated ADFs on each link,

wherein the measuring occurs at a rate that is lower than the maximum sum of forwarding resources; dynamically adapting the threshold level by utilising the measured multiplexing properties of the ADFs on each link and by utilising knowledge about the forwarding resources of the links; and preventing an overload before it occurs by controlling admission to each link based on the dynamically adapted threshold.

Neither DAVIES et al. nor KRISHNAN et al. discloses or suggests dynamically adapting the threshold level utilising measured multiplexing properties of the ADFs on each link. Nor do the references disclose preventing an overload before it occurs by controlling admission to each link based on the dynamically adapted threshold. Note particularly that DAVIES et al. measures when the overload has occurred, not before by using the dynamically updated threshold as claimed herein.

By way of further explanation, DAVIES et al. rely on congestion notification to adjust admission thresholds (abstract). This is, in effect, a reactive scheme that takes action when congestion occurs. The use of multiplexing properties as in amended claim 1 is, by contrast, a pro-active scheme.

Accordingly, claims 1-17 avoid the rejection under §102.

New claims 31-40 have been added that correspond to amended claims 1 and 5-13. These claims are allowable for the same reasons as claim 1.

10

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Thomas W. Perkins/
Thomas W. Perkins, Reg. No. 33,027
Customer No. 00466
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
         (703) 979-4709

TWP/fb

11